

Memorandum



Date: December 14, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

COSHAC

Agenda Item No. 3 (D)

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

Subject: Proposed Amendment to Section 33I of the Miami-Dade County Code, Pertaining to Police Services Impact Fee

RECOMMENDATION

It is recommended that the Board approve the attached ordinance that amends Chapter 33I of the Miami-Dade County Code, pertaining to Police Services Impact Fees.

BACKGROUND

On April 31, 1990, County Ordinance No. 90-31 became effective, requiring payment of an impact fee based on a specific formula designed to mitigate the additional service-related demands that new development and associated population growth place on the Miami-Dade Police Department (MDPD). The impact fee was levied on all new residences and businesses within the unincorporated Miami-Dade County, with some exceptions, via the building-structural permitting process. To better administer and enforce the Ordinance, update the fee schedule in effect since 1994 and to update language, MDPD staff has worked with the county-contracted consultant Dr. James Nicholas, the County Attorney's Office, the Department of Planning and Zoning and members of the South Florida Building and Latin Builders Associations to prepare the attached proposed revisions.

- Chapter 33I *Cross references*: Change reflects the renaming of the Metro-Dade Police Department to the Miami-Dade Police Department [hereinafter "renaming of MDPD"].
- 33I-2 *Finding, conclusions, and purpose*: (a) This subsection describes MDPD's level of service and emergency response time. The reference to unincorporated areas was removed since MDPD does serve some incorporated areas by contract and the emergency response time was changed from less than six to five minutes to reflect the actual emergency response time which is consistent with MDPD goals. (d) This subsection was removed because it is unnecessary since the same principle is covered in Section 33I-10. (e) With the removal of subsection (d) this subsection is being relabeled as such.
- 33I-4(a) *Definitions*: (8) Change reflects renaming of MDPD. (12) Change limits police services to those of Miami-Dade County. (13) Change of language concerning acquisition of capital equipment that increases the capacity of police services.
- 33I-6 *Police services impact fee computation formula*: (a) All variables have been updated to ensure accuracy. Explanatory footnotes updated accordingly. Provision in impact fee formula revised to reflect the more general language included in proposed subsection 33I-16 *Periodic update of fee schedule*. Change also reflects renaming of MDPD. (e) and (f) Change reflects renaming of MDPD.
- 33I-7 *Exemptions*: (h)(2) and (i) Change corrects nomenclature removing the term "Metropolitan" immediately prior to the name "Miami-Dade County."

- 33I-8 *Credits*: (a), (b), and (c) Changes reflect renaming of MDPD.
- 33I-9 *Fee computation by independent study*: (a), (b), (c), (d), (e), (f), and (g) Changes reflect renaming of MDPD.
- 33I-10 *Benefits zones and trust funds*: (a) Change consolidates the nine collection zones to three, updates Attachment A map accordingly and labels it as Attachment 1, and removes the reference to attachment B. Also, funds assigned to existing zones are prorated and transferred into the new trust fund accounts corresponding to the three consolidated zones according to a new table (labeled Attachment 2). This allows for more effective management, tracking, and use of collected fees. Current zones follow outdated boundaries that no longer reflect growth and areas serviced by MDPD. (d) Change reflects renaming of MDPD.
- 33I-11 *Impact fee expenditures*: (a) (9) Change specifically authorizes purchase of capital equipment that would allow police services to be provided in a more efficient manner. (11) This subsection deleted so that impact fees continue to be spent to mitigate population growth's impact on MDPD service levels rather than growth's impact on aesthetic needs. (12), (13), and (14) These subsections have been renumbered due to the removal of subsection (11).
- 33I-13 *Appeal of administrative decisions*: (a) and (b) Changes reflect renaming of MDPD.
- 33I-14 *Police Services Impact Fee Manual and periodic reviews*: Change adds a required annual public meeting on the Police Services Impact Fee and a subsequent report to the Board of County Commissioners.
- 33I-15 *Vested rights*: Change reflects the renaming of the Metropolitan Dade County to Miami-Dade County.
- 33I-16 *Periodic update of fee schedule*: This subsection has been added to adjust the impact fee schedule each calendar year following the Consumer Price Index. This change will help to ensure that impact fees reflect the current market and that MDPD has resources to respond to increasing growth-related service demands.
- 33I-Attachment "1": This attachment has been updated to reflect the collection zone changes from nine to three.

The proposed amendments to the Miami-Dade County Code will facilitate the administration and enforcement of the police services impact fees in Miami-Dade County.

FISCAL IMPACT STATEMENT

Police Impact Fees have not been raised since 1994. Therefore, the amount of Police Impact Fees collected on an average single family detached residence today is approximately \$101 (the same as in 1994). If the changes proposed in this ordinance amendment are made, the new Police Impact Fee collected on the same average single family detached residence would be approximately \$431. This 327 percent increase is needed to mitigate today's police services costs brought about by new development and associated population growth.



Deputy County Manager

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Memorandum



Date:

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "G. Burgess", written over the printed name of George M. Burgess.

Subject: Fiscal Impact of the Police Services Impact Fee Ordinance

Impact Fees are one mechanism used by local and state governments across the Country to raise revenues to address the demands for services posed by the impact of growth and development. In 1990, the Board of County Commissioners established the use of the Police Services Impact Fee as a funding mechanism to mitigate the impact of development. Parks Impact Fees and Fire Impact Fees were also established in 1990, while Road Impact Fees were established in 1988. These fees fund capital projects needed as a result of capacity impacts brought about by development. Only capital projects may be funded with impact fees; operating costs are prohibited. Since the Police Services Impact Fee was instituted, \$18.536 million has been raised to fund capital purchases and projects (FY 1989-90 through FY 2003-04). These fees have not been adjusted since 1994.

Police Impact Fees are used to fund capital improvements that increase the level of service in areas serviced by the Miami-Dade County Police Department (the unincorporated area and certain municipalities that have contracted with the County) which are experiencing service impacts by development and growth. This includes, but is not limited to, acquisition of capital equipment such as cars, computer systems, and tools; purchase of land; and design and construction of new police facilities. Only projects that provide new police service or new service for areas of new growth are allowable; replacement of existing equipment and repairs are ineligible costs.

An adjustment to the Police Services Impact Fee is being proposed for your consideration. As stated in my recommendation, the amount of Police Impact Fees collected on an average single-family detached residence today is \$101 (the same as in 1994). If the changes proposed to the Police Impact Fees ordinance are adopted, the new Police Services Impact Fee collected on the same average single-family detached residence would be \$431. This increase is needed to mitigate today's police services cost brought about by new development and the associated population growth. Like today's Police Services Impact Fee, any increased fee would be collected at the time a building permit is pulled. In the case of new construction, developers pay the fee and normally pass it on to buyers.

Revenues from the Police Services Impact Fee have fluctuated at an average rate ± 25.4 percent from year-to-year. Because these revenues are so difficult to project, they are budgeted conservatively each year. Nonetheless, if the changes proposed to the Police Impact Fees are made, it is estimated that as much as \$3.4 million more could have been collected in FY 2003-04 than actually was collected (\$4.62 million instead of \$1.22 million).

A handwritten signature in black ink, appearing to be a stylized "C" followed by a flourish, written over the printed name of the Assistant County Manager.
Assistant County Manager

fiscal07005




MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE:

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.

ORDINANCE NO. _____

ORDINANCE PERTAINING TO POLICE SERVICES IMPACT FEE; AMENDING CHAPTER 33I OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (CODE); CREATING SECTION 33I-16 OF THE CODE; UPDATING POLICE SERVICES IMPACT FEE FORMULA; REDUCING THE NUMBER OF BENEFIT ZONES; DELETING PROVISION THAT IMPACT FEES MAY BE USED TO COMPLY WITH "ART IN PUBLIC PLACES"; PROVIDING FOR AUTOMATIC ADJUSTMENT OF FEE BASED ON CONSUMER PRICE INDEX AND ANNUAL PUBLIC COMMENT ON IMPACT FEE REPORT; PROVIDING APPLICABILITY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Sections 33I-2, 33I-4, 33I-6 through 33I-11, and 33I-13 through 33I-15 of the Code of Miami-Dade County, Florida, are hereby amended to read as follows:¹

* * *

Sec. 33I-2. Findings, conclusions and purpose.

(a) The provision of adequate police protection is essential for the safety of the public. The existing level of service in ~~[[unincorporated]]~~ Miami-Dade County provides for the prompt dispatch of police assistance of a size and composition appropriate to the request and with an emergency response time of within ~~[[six (6)]]~~ >>five (5)<< minutes for the first arriving unit.

* * *

~~[[(d) To ensure that funds collected are used to mitigate impacts of new development, nine (9) benefit zones are~~

¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

~~established. Funds collected from development occurring in one zone shall be expended to mitigate the impacts and to benefit the development occurring in that zone.]]~~

[[~~(e)~~]] >>(d)<< Nothing in this chapter shall prohibit or restrict funding of law enforcement related land, facilities and capital equipment from additional revenue sources to enhance police services.

* * *

Sec. 33I-4. Definitions.

(a) The definitions contained in Chapters 28 and 33, Code of Miami-Dade County, shall apply to this chapter except as otherwise provided in the following definitions:

* * *

(8) *Director of the* ~~[[Metro-]]~~>>Miami-<<*Dade Police Department* means the Director of the ~~[[Metro-]]~~>>Miami-<<Dade Police Department or his designee.

* * *

(12) *Impact* means the effect of the new development, including additional residential and nonresidential development, on >>the<< police services >>of Miami-Dade County<< ~~[[in a given area.]]~~

(13) *Improvement* means any physical improvement related to property, construction costs of a police district station or other facility, or acquisition of capital equipment ~~[[with respect to the impact of development]]~~ >>that increases the capacity of police services.<<

* * *

Sec. 33I-6. Police services impact fee computation formula.

(a) The feepayer shall pay a police services impact fee amount based on the formula set forth below. Such fee will be based on the capital costs required to serve the increased demand for police services resulting from proposed new development activities, together with impact fee administrative costs. The formula to be used to calculate the police services impact fee shall be established as follows for each property type:

THE VALUE OF ~~[[METRO-]]~~MIAMI-DADE POLICE DEPARTMENT'S
CAPITAL ASSETS²

X

THE PERCENTAGE USE OF POLICE SERVICES BY RESIDENTIAL OR
NONRESIDENTIAL USERS IN UNINCORPORATED MIAMI-DADE
COUNTY³

÷

THE NUMBER OF TOTAL UNITS FOR RESIDENTIAL PROPERTY OR
THE TOTAL SQUARE FOOTAGE FOR NONRESIDENTIAL PROPERTY
IN UNINCORPORATED MIAMI-DADE COUNTY⁴

-

CREDIT FOR INTEREST PAYMENTS ~~[[ON THE CRIMINAL JUSTICE
BOND PROGRAM⁵]]>> FOR OUTSTANDING DEBT FROM GENERAL
OBLIGATION BONDS ISSUED TO FINANCE CAPITAL PROJECTS FOR
POLICE PURPOSES AS PROVIDED IN SEC. 33I-16<<~~

=

POLICE SERVICES IMPACT FEE

+

5% ADMINISTRATIVE CHARGE

=

POLICE SERVICES IMPACT FEE AND ADMINISTRATIVE CHARGE

The Director of the ~~[[Metro-]]>>Miami-<<~~Dade Police
Department shall employ the following schedule to compute the
amount of fee to be paid.

² Estimated value of capital assets~~[[(\$112,564,581)]] >>\$181,566,435<<~~ derived from information provided by the Miami-Dade Police Department ~~[[Business Management Section]]>>Budget, Planning and Resource Management Bureau for the year 2004<<~~, the Miami-Dade County Office of Capital Improvements and Development, and the Department of Planning and Zoning.

³ Statistical information from August 1, 1988 through July 31, 1989, compiled by the Miami-Dade Police Department >>and updated in October 2004<<.

⁴ Number of total units and square footage provided by the Miami-Dade County Property Appraisal Department on ~~[[March 18, 1994]] >>April 15, 2005.<<~~

~~[[⁵—Provided by the Miami-Dade County Department of Planning and Zoning.]]~~

[[Land Use/ Occupancy Type	Percentage Use of Police Services	Net Capital Costs	Number of Units or Square Feet of Occupancy	Credit for Bond Program	Cost per Unit or per Square Foot
Residential	.60	\$67,538,749	385,539	\$78.71	\$96.47 per unit
Nonresidential	.40	\$45,025,832	228,464,586	\$ 0.057	\$ 0.140 per square foot]]

>>Land Use/ Occupancy Type	Percentage Use of Police Services	Net Capital Costs	Number of Units or Square Feet of Occupancy	Credit for Bond Program	Cost per Unit or per Square Foot ⁶
Residential	.70	\$127,096,505	309,463	\$0.000	\$410.70 per unit
Nonresidential	.30	\$54,469,931	190,882,231	\$ 0.000	\$ 0.285 per square foot<<

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(e) If the type of activity within a proposed or current development is not specified, the Director of the ~~[[Metro-]]~~>>Miami-<<Dade Police Department shall use the activity most nearly comparable in computing the fee.

(f) In determining existing development activity, as defined in Section 33I-4, and the units or >>number of<< square feet ~~[[of]]~~ >>for the<< proposed or existing development, the Director of the ~~[[Metro-]]~~>>Miami-<<Dade Police Department shall use the building permit and certificate of use information contained in the building or zoning records of Miami-Dade County or other governmental agencies.

Sec. 33I-7. Exemptions.

>>⁶ The cost per unit for residential land use/occupancy types and cost per square foot for nonresidential land use/occupancy types shall be adjusted annually based on Consumer Price Index and periodically adjusted based on bond indebtedness as outlined in Section 33I-16.<<

* * *

(h) The following development shall be exempt from the requirement that impact fees be paid, subject to an application by the feepayer to the Director of the Department of Planning and Zoning and a determination by the Director of the Planning and Zoning Department that the proposed development activity is consistent with the CDMP and fits within one (1) or more of the following categories:

* * *

(2) Any commercial or industrial development activity located within an existing designated enterprise zone as defined in Section 290.004(1)(a), Florida Statutes (1987), and amendments thereto, provided that: (a) the proposed development activity has been granted a property tax exemption under Sections 29-81 through 29-89 of the Code of [[Metropolitan]] Miami-Dade County; (b) if such development activity is located within a municipality, the municipality has also granted property tax exemption under the aforesaid sections 29-81 through 29-89; and (c) the fee payer has furnished all the documentation required by the County Planning and Zoning Director, in accordance with the provisions of the manual.

* * *

(i) An exemption must be claimed by the feepayer prior to paying the impact fee. Any exemption not so claimed shall be deemed to have been waived by feepayer. If an exemption is sought pursuant to Section 33I-7(g)(1), (2), or (3) impact fees shall be paid prior to the issuance of the building permit. However, the feepayer shall be entitled to a refund pursuant to this chapter upon submitting a formal application for a refund to and receiving approval from the Director of the Planning and Zoning Department, in accordance with the provisions of the manual. Application for a refund under this section shall be made within one (1) year of the later of: (1) the effective date of this ordinance or (2) the issuance of a certificate of completion or a certificate of use for the building. Failure to apply for a refund by the feepayer, within the above referred one-year period shall invalidate the right for a refund under this section. Notwithstanding the aforesaid, if an exemption is sought pursuant to Section 33I-7(g)(1), community development corporations (CDC) as defined in Section 290.033(2), Florida Statutes and community-based organizations (CBO) as defined in Section 420.602(5), Florida Statutes (1991) that have received assistance from [[Metropolitan]] Miami-Dade County or the State of Florida in funding

predevelopment costs to provide affordable housing to low and very low income families shall have the option of executing a covenant running with the land, in a form approved by the Director of the Department of Planning and Zoning, in lieu of payment of impact fees prior to the issuance of the building permit, in accordance with the provisions of the manual. Joint ventures of either a CDC or a CBO with a for-profit developer, whose proposed affordable housing development has been approved by the Miami-Dade County Office of Community Development, shall also have the right to execute the aforesaid covenant.

Sec. 33I-8. Credits.

(a) Credit for up to the full amount of the impact fees shall be given by the Director of the ~~[[Metro-]]>>Miami-<<Dade~~ Police Department for monetary contributions toward capital equipment and facilities that were voluntarily proffered or required under County development order issued for a development of regional impact or development of County impact or under other final legislative or administrative action approved prior to the effective date of this chapter. Credit shall be limited to the extent of monies paid. No refunds shall be made under this section.

(b) Any claim for credit pursuant to this section must be filed with the Director of the ~~[[Metro-]]>>Miami-<<Dade~~ Police Department within one (1) year from the effective date of this chapter and shall be in accord with the standards and procedures for issuance of credits provided in the Police Services Impact Fee Manual. A credit shall be considered only for those properties encompassed by the previous development order or action. Any feepayer claiming such credit shall present documentation and any other evidence of a monetary contribution for capital equipment or facilities. Any appeal from the Director of the ~~[[Metro-]]>>Miami-<<Dade~~ Police Department's determination of the amount of credit shall be to the Developmental Impact Committee Executive Council pursuant to the procedures set forth in this chapter and in the police services impact fee manual.

(c) The feepayer shall, at the time the application for credit is submitted to the Director of the ~~[[Metro-]]>>Miami-<<Dade~~ Police Department, pay the charge for applications for credit set forth in the Police Services Impact Fee Manual. That administrative charge shall be used by the County solely for the processing and review of the application for credit. The amount of the administrative charge shall not be credited against the impact fee.

Sec. 33I-9. Fee computation by independent study.

(a) The feepayer may elect, prior to or within thirty (30) days after paying the schedule impact fee calculated pursuant to Section 33I-6, to utilize an independent fee computation study. Such study shall calculate the fee pursuant to the formula set forth in Section 33I-6. The feepayer shall provide the Director of the ~~[[Metro-]]~~>>Miami-<<Dade Police Department notice of intent to utilize an independent fee computation study prior to or within thirty (30) days of the issuance of any building permit on the property for which a police services impact fee is due. Independent fee computation studies initiated after the notice of intent is filed shall be completed and submitted to the Director of the ~~[[Metro-]]~~>>Miami-<<Dade Police Department within three (3) months after the notice is filed. Nothing in this section shall allow a building permit for development activity to be issued without the payment of the police services impact fee.

(b) If the feepayer elects to utilize an independent fee computation study, the feepayer shall, at his own expense, prepare and present to the Director of the ~~[[Metro-]]~~>>Miami-<<Dade Police Department a study that documents the basis upon which the value of each of the components of the fee formula set forth in Section 33I-6 were determined. The burden shall be upon the feepayer to provide the data, analysis, and reports necessary for the Director of the ~~[[Metro-]]~~>>Miami-<<Dade Police Department to make a determination. The analysis and report must be based on the formula set forth in this chapter.

(c) The feepayer shall, at the time the independent fee computation study is submitted to the Director of the ~~[[Metro-]]~~>>Miami-<<Dade Police Department, pay a nonrefundable independent study administrative charge in the amount set forth in the police services impact fee manual. That administrative charge shall be used by the County solely for the processing and review of the independent fee calculation study. The amount of the administrative charge shall not be credited against the impact fee.

(d) The Director of the ~~[[Metro-]]~~>>Miami-<<Dade Police Department shall determine whether the independent fee computation study accomplishes the following:

(1) Adheres to the impact fee formula set forth in Section 33I-6;

(2) Provides complete, thorough, and accurate information; and

(3) Is prepared by a qualified person as defined in the Police Services Impact Fee Manual.

(e) Upon approval of the independent fee calculation study by the Director of the ~~[[Metro-]]~~>>Miami-<<Dade Police Department, based on his determination that the conditions described in Section 33I-9(d) are fully met, the feepayer shall pay the amount of the fee so computed and be entitled to a refund of any amount previously paid in excess thereof.

(f) Should the Director of the ~~[[Metro-]]~~>>Miami-<<Dade Police Department determine that the conditions described in Section 33I-9(d) are not fully met by the independent fee study, he shall issue a letter by certified mail, return receipt requested, to the feepayer stating the deficiencies and his intent to reject the independent fee calculation study, in whole or in part, unless the deficiencies are corrected. If the Director of the ~~[[Metro-]]~~>>Miami-<<Dade Police Department determines that the deficiencies in the independent fee study have not been corrected within sixty (60) days from the date his letter of intent is mailed, he shall issue a letter rejecting the independent fee study.

(g) Any appeal from a decision of the Director of the ~~[[Metro-]]~~>>Miami-<<Dade Police Department to reject an independent fee study shall be filed in accordance with Section 33I-13.

Sec. 33I-10. Benefit zones and trust funds.

(a) There are hereby created and established ~~[[nine (9)]]~~ >>three (3)<< police services impact fee benefit zones. The geographic locations of these benefit zones are reflected on Attachment~~[[s]]~~ ~~[[["A" and "B,"]]~~ >>"1"<< which exhibit~~[[s-are]]~~ >>is<<incorporated into and made a part of this ordinance by reference. ~~[[If in conflict, the boundary descriptions in Attachment "B" shall take precedence.]]~~ >>Subsequent to the effective date of this ordinance, new trust fund accounts shall be established for each of the three police services impact fee benefit zones created hereby. Existing police services impact fee benefit zones trust fund accounts shall then be prorated and transferred into these new trust fund accounts in accordance with the table identified as Attachment "2", which exhibit is incorporated into and made a part of this ordinance by reference.<<

* * *

(d) A financial report outlining expenditures and unexpended funds within impact fee benefit zones shall be prepared annually by the ~~[[Metro-]]~~>>Miami-<<Dade Police Department and submitted to the County Manager within one hundred twenty (120) days following the end of the County's fiscal year.

Sec. 33I-11. Impact fee expenditures.

(a) Expenditures from the impact fee shall include but not be limited to:

* * *

(9) Acquisition of capital equipment for police services >>including the acquisition of systems, tools and machines that allow police service tasks to be performed in a more efficient manner<<;

* * *

~~[[11] Compliance with the provision of "Art in Public Places" if such compliance is necessitated by facility development;~~

~~(12)]~~>>(11)<< Purchase of land for additional police stations and support facilities needed to accommodate new growth;

~~[[13)]~~>>(12)<< Design and construction of additional police stations and other facilities or design and improvement of existing police stations and other facilities needed to accommodate new growth;

~~[[14)]~~>>(13)<< Purchase of other capital equipment for stations affected by new growth.

* * *

Sec. 33I-13. Appeal of administrative decisions.

(a) Except as otherwise provided in this chapter, decisions of the Director of the ~~[[Metro-]]~~>>Miami-<<Dade Police Department or of the Director of the Department of Planning and Zoning under this chapter may be appealed by the feepayer to the Developmental Impact Committee Executive Council. Appeals of

the decisions of the Developmental Impact Committee Executive Council shall be to the Board of County Commissioners in accordance with procedures specified in Section 33-314. The written decision of the Council shall be mailed by certified mail, return receipt requested. Any appeal shall be filed within thirty (30) days from the date of receipt of the Council's written decision.

(b) If the feepayer wishes to appeal an administrative decision of the Director of the ~~[[Metro-]]>>Miami-<<Dade~~ Police Department or of the Director of the Department of Planning and Zoning, the feepayer shall first file a notice of administrative appeal on a form specified in the police services impact fee manual with the Developmental Impact Committee Coordinator. All appeals shall be filed within thirty (30) days of the issuance of a written decision of the Director of the ~~[[Metro-]]>>Miami-<<Dade~~ Police Department or of the Director of the Department of Planning and Zoning and shall be accompanied by a letter which provides a full explanation of the request, the reason for the appeal, and any supporting documentation. The Developmental Impact Committee Coordinator shall schedule the appeal before the Developmental Impact Committee Executive Council as soon as practically possible. The Developmental Impact Committee Executive Council shall vote to affirm, reject or revise the decision of the Director of the ~~[[Metro-]]>>Miami-<<Dade~~ Police Department or of the Director of the Department of Planning and Zoning.

Sec. 33I-14. Police Services Impact Fee Manual and periodic review.

(a) The police services impact fee manual shall be used for the administration of this chapter. The manual shall contain the following:

(1) The methodology for independent fee calculation provided for by Section 33I-9.

(2) The independent study administrative fee provided for in Section 33I-9(c).

(3) The standards and procedures for issuance of credits as set forth in Section 33I-8.

(4) The standards, procedures and other matters required to administer Sections 33I-4 through 33I-15.

(b) The County Manager shall periodically review this chapter and the police services impact fee manual and, if appropriate, make recommendations to the Board of County Commissioners for revisions to the chapter and the police services impact fee manual. The purpose of this review is to ensure that the benefits to a fee-paying development are equitable in that the fee charged to the paying development shall not exceed a proportionate fair share of the costs of mitigating police service impacts of new developments, and that the procedures for administering the impact fee remain efficient. >>Additionally, within one hundred twenty (120) days from the date of the end of the fiscal year, the Office of Capital Improvements shall submit to the County Manager a financial and management report on the impact fee trust funds. No later than thirty (30) days after submission of the report, the County Manager shall conduct a public meeting, for the purpose of presenting the report and receiving public comment on the report as well as the impact fee program. This meeting shall be advertised at least seven (7) days in advance in a newspaper of general circulation. No later than thirty (30) days after the public meeting, the County Manager shall schedule the report, which shall serve as the County's Annual Impact Fee Report, for the Board of County Commissioners' consideration. The County Manager shall provide a companion report to the Board advising of any County Manager recommended impact fee program changes and detailing comments received from the annual impact fee public meeting.<<

Sec. 33I-15. Vested rights.

Nothing in this chapter shall limit or modify the rights of any person to complete any development for which a lawful building permit was issued prior to the effective date of this chapter and on which there has been a good faith reliance and a substantial change of position. The Director of the Department of Planning and Zoning, upon application by the fee-payer, shall determine the extent of the applicability of vested rights. Appeal of the Director of the Department of Planning and Zoning's determination shall be to the Developmental Impact Committee Executive Council in accordance with Section 33I-13 and Section 2-114.1, Code of ~~[[Metro-]]~~>>Miami-<<Dade County.

Section 2. Section 33I-16 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

>>Sec. 33I-16. Periodic Update of Fee Schedule.

(1) The County Manager shall annually adjust the police impact fee schedule provided in Sec. 33I-6 above by indexing the schedule to inflation as defined by the Consumer Price Index (CPI) - All Urban Consumers for the United States, published by the United States Department of Labor, Bureau of Labor Statistics. The first indexing calculation adjustment shall occur during the 2006-2007 County budget year using the difference in Consumer Price Index figures for calendar years 2005 and 2006. The adjusted Impact Fee Schedule shall be on file with the Department of Planning and Zoning, Impact Fee Administration Office.

(2) Unless otherwise directed by the County Commission, any adjustments to the police impact fee, made pursuant to this section, shall be effective the first of October each calendar year.

(3) If the index is changed by the United States Department of Labor so that the base year is different, the index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics.

(4) If the index is discontinued or revised, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the index had not been discontinued or revised.

(5) The County Manager shall periodically adjust the police impact fee schedule provided in Sec. 33I-6 above by providing credit in the police impact fee formula for any outstanding debt from General Obligation Bonds issued to finance capital projects for police purposes which meet needs generated by population growth and development.<<

Section 3. Those parts of Section 1 of this ordinance amending Section 33I-6 of the Code of Miami-Dade County (modifying the amount of the Miami-Dade County Police Services Impact Fee) shall not apply to any complete building permit application filed in the appropriate building department prior to the effective date of this ordinance (October 1, 2005), if a building permit is issued by January 27, 2006. For purposes of this section, a "complete building permit application" shall be defined as a building permit application which contains plans signed and

sealed by a State of Florida licensed engineer or architect showing all applicable site work, zoning compliance, and architectural, structural, electrical and plumbing work.

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. This ordinance shall become effective October 1, 2005 unless vetoed by the Mayor, and if vetoed, shall become effective on such date only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RAG

Prepared by:

CHC

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Zone 1

Northern Boundary: Miami-Dade County Line
 Eastern Boundary: Atlantic Ocean
 Southern Boundary: 103rd St. to Biscayne Blvd.; south along Biscayne Blvd. to intersection of 79th St. Causeway; then west on 79th St. Causeway
 Western Boundary: Miami-Dade County Line

Zone 2

Northern Boundary: 103rd St. to Biscayne Blvd.; south along Biscayne Blvd. to intersection with 79th Street Causeway; then west on 79th St. Causeway
 Eastern Boundary: Atlantic Ocean
 Southern Boundary: SW 152nd St. to Dixie Hwy.; south along Dixie Hwy. to intersection with SW 184 St.; then west on SW 184
 Western Boundary: Miami-Dade County Line

Zone 3

Northern Boundary: SW 152nd St. to Dixie Hwy.; south along Dixie Hwy. to intersection with SW 184 St.; then west on SW 184
 Eastern Boundary: Atlantic Ocean
 Southern Boundary: Miami-Dade County Line
 Western Boundary: Miami-Dade County Line

ATTACHMENT 2

Miami-Dade Police Department
Police Service Impact Fees
Proration of Existing Funds into Proposed New Collection Zones

Former Zone	New Zone 1	New Zone 2	New Zone 3
1	100%	0%	0%
2	0%	100%	0%
3	0%	100%	0%
4	0%	2%	98%
5	0%	100%	0%
6	100%	0%	0%
7	0%	100%	0%
8	0%	77%	23%
9	100%	0%	0%

The percentages represent the proportion (by area) of each of the nine existing zones, which once aligned with police districts, that falls within each of the proposed new zones. Once approved, existing funds would be reallocated based on the above proration.